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*Attorneys for Defendants
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Ian Carr, Stephen Clark, Daniel Collier, Ray East
Joseph Ferro, Tim Garrett, Valaree Olivas,
William Sandie, Nathan Wake, Harold Wickham*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN KAMEDULA,

Plaintiff,

vs.

IAN CARR, et al.,

Defendants.

Case No. 3:18-cv-00544-MMD-CLB

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO RESPOND
TO OUTSTANDING DISCOVERY**

Defendants, Renee Baker, Dwayne Baze, David Carpenter, Ian Carr, Stephen Clark, Daniel Collier, Ray East, Joseph Ferro, Tim Garrett, Valaree Olivas, William Sandie, Nathan Wake, and Harold Wickham, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Peter E. Dunkley, Deputy Attorney General, hereby requests a 30 day extension, until June 3, 2020, to respond to outstanding discovery.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

Defendants respectfully request a thirty (30) day extension of time from the current deadlines of May 4, 2020 and May 18, 2020, to respond to Plaintiff's requests for production of documents (three sets), interrogatories, and requests for admission. Defendants request that all outstanding discovery requests will become due on June 3, 2020.

In light of the administrative complications within the State of Nevada, and at the Office of the Attorney General (OAG), and with the Defendants, related to COVID-19 and institutional responses thereto, which have affected the responsiveness of communications with Defendants, good cause exists for Defendants' request for an extension.

II. DISCUSSION

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants assert that the requisite good cause is present to warrant the requested extension of time. At issue are five requests: (1) requests for production of documents to Wickham, (2) requests for production of documents to LCC Warden, (3) requests for production of documents to Carr, (4) requests for admission to Carr, and (5) interrogatories to Carr. The requests for production to Wickham and LCC Warden are due May 4, 2020; the discovery requests to Carr are due May 18, 2020. Defendants are requesting until June 3, 2020 to respond to all outstanding requests.

Plaintiff has requested a telephone conference to discuss the same and the OAG has requested such a conference to take place.

Defendants make the instant request in light of the current issues related to COVID-19, including Nevada Governor Sisolak's first of many emergency declarations, beginning on March 15, 2020 and then the March 31, 2020 Declaration of Emergency (Directive 010) – 'Stay at Home Order' and the Governor's subsequent extensions and additional directives and clarifications. In response to COVID-19 and the Governor's Directives, the OAG has directed all OAG employees to comply with the Governor's orders, limit in-office work and to stay at home while and until the OAG implements and transitions to alternate, home-based working arrangements or the COVID-19 restrictions are lifted. In light of those directives, and due to the difficulties the instant circumstances place on obtaining the necessary supporting

documents, and difficulty corresponding between the OAG and certain Defendants, Defendants respectfully request that the Court extend the deadline by thirty (30) days, until June 3, 2020. Defendants' request will not hinder or prejudice Plaintiff's case. Close of discovery is currently set for July 6, 2020. The requested thirty-day extension of time will not change the scheduling order and should permit sufficient time to overcome the administrative and procedural obstacles created by the response to COVID-19, and to obtain documents, and responses from Defendants.

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1 **III. CONCLUSION**

2 For the above reasons, Defendants respectfully requests a thirty (30) day extension to
3 permit sufficient time for Defendants to respond to the outstanding discovery, as set forth
4 below:

5 Proposed Schedule for Remaining Deadlines

6 Current Deadline for Request for Production

7 to Wickham and LCC Warden:

May 4, 2020

8 Current Deadline for Carr to Respond to Interrogatories,

9 Requests for Production, and Requests for Admission:

May 18, 2020

10 Proposed Deadline for the discovery responses:

June 3, 2020.

11 Proposed Close of Discovery (no change requested)

July 6, 2020

12 DATED this 4th day of May 2020.

13 AARON D. FORD

14 Attorney General

15 By: /s/ Peter E. Dunkley

16 PETER E. DUNKLEY, Bar No. 11110
17 Deputy Attorney General

Attorneys for Defendants

18 **IT IS SO ORDERED:**

19 
20 UNITED STATES MAGISTRATE JUDGE
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22 **DATED:** May 5, 2020
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 4th day of May, 2020, I caused a copy of the foregoing, **DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO OUTSTANDING DISCOVERY**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Brian Kamedula #24627
Care of LCC Law Librarian
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419
lcclawlibrary@doc.nv.gov

/s/ Caitie Collins
An employee of the
Office of the Attorney General